APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,388	12/05/2003	Todd D. Wakefield	03760.015/5132 P	8836

7590 05/31/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2165	

201 South Main Street
Salt Lake City, UT 84111

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/729,388	WAKEFIELD ET AL.
	Examiner	Art Unit
	Mark A. Radtke	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 July 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>3/8/04, 1/7/05</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d

1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645

(Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418

F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

2.   Claims 1-13 and 15-39 of the instant application are provisionally rejected under

the judicially created doctrine of double patenting over claims 1-38, respectively, of

copending Application No. 10/729,414 (Wakefield et al., U.S. Publication No. US

20040167908 A1).

Claims 1-38 of Patent Application No. 10/729,414 (U.S. Publication No. US

20040167908 A1) contains every element of claims 1-13 and 15-39 of the instant

application and as such anticipates claims 1-13 and 15-39 of the instant application.

Claim Objections

3.   Claims 6 and 20 are objected to because of the following informalities:

   a.   In claims 6 and 20, line 3, "integrating the" should read --integrating of the-

   -.

Appropriate correction is recommended.

4.   Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because

a multiple dependent claim must explicitly list parent claims in the alternative. It is

unclear whether "claim 1-9" is to be interpreted as "claims 1, 2, [...], 8 and 9" or "claims

1, 2, [...], 8 or 9". See MPEP § 608.01(n). For the purpose of examination, claim 14 will

be treated as if it were in alternate dependent form.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-9, 11-23, 25-36 and 38-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Budzinski (U.S. Patent 5,715,468) in view of Khalfay et al.

(U.S. Patent 7,039,875).

As to claim 1, Budzinski teaches a computer program product located to one or

more storage media devices usable to perform integration of mixed format data, said

computer program product comprising instructions executable by a computer to perform

the functions (see Abstract) of:

accessing a database of structured data, the structured data comprising a set of

data tuples (see column 1, lines 12-14, "storage structure" and column 5, lines 10-12,

"Dictionary Look-Up Step");

accessing a source of unstructured data, the unstructured data including free text

relatable to the data tuples of the structured data (see figure 1, element 11 and Abstract

and column 26, "Syntactic Processing Method");

interpreting the free text to produce a set of construed data reflecting at least one

relational fact conveyed in the free text, each construed datum relatable to a data tuple

of the structured data (See figure 2, step 24, "Morphological Processing". Each block in

figure 2 represents a different step in the interpretation of free text. See also column 3,

lines 52-67);

integrating the produced data with the data tuples of the structured data, said

integrating producing integrated data (see column 24, lines 5-33, where "integrating" is

read on "learning");

Budzinski does not explicitly teach

reading the integrated data; and

rendering at least one visual representation of the integrated data.

Khalfay et al. teaches a computer program product located to one or more

storage media devices usable to perform integration of mixed format data, said

computer program product comprising instructions executable by a computer to perform

the functions (see Abstract) of:

reading the integrated data (see column 3, lines 6-9); and

rendering at least one visual representation of the integrated data (see column 3,

lines 29-33 and figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have modified Budzinski by the teaching of Khalfay et

al. because "the output can be [...] graphical" (see Budzinski, column 18, lines 51-52).

As to claims 2, 16 and 29, Budzinski, as modified, teaches wherein said

accessing a source of unstructured data accesses unstructured data contained within

the database of structured data (see column 24, lines 17-19, "storing the text presented

to the invention").

As to claims 3, 17 and 30, Budzinski, as modified, teaches wherein said

accessing a source of unstructured data and said accessing a database of structured

data access two separate data sources (See column 6, lines 19-21 and figure 1. Each

Memory 80, 90, 100 and 120 is a different data source).

As to claims 4, 18 and 31, Budzinski, as modified, teaches wherein said

instructions are further executable to perform the function of applying caseframes while

performing said interpreting the free text (see column 2, line 60 – column 3, line 5).

As to claims 5, 19 and 32, Budzinski, as modified, teaches wherein said

instructions are further executable to perform the function of producing a new database

containing the integrated data produced by said integrating (See column 59, lines 29-

36. Partitions are logical databases consisting of several databases spread across

different physical volumes or databases. See "Partition (database) – Wikipedia".

Available online at http://en.wikipedia.org/wiki/Partition_%28database%29).

As to claims 6, 20 and 33, Budzinski, as modified, teaches wherein said

instructions are further executable to perform the function of inserting the produced data

into the database of structured data while performing said integrating the produced data

(See column 23, line 66 – column 24, line 4 and see Abstract. Each process will be executed concurrently on a modern operating system).

As to claims 7, 21 and 34, <u>Budzinski</u>, as modified, teaches wherein said instructions are further executable to perform the function of creating a new database while performing said integrating the produced data (see Examiner's comments regarding claims 5 and 6).

As to claims 8 and 22, <u>Budzinski</u>, as modified, teaches wherein the instructions are further executable to produce a new relational database containing the integrated data produced by said integrating (see Examiner's comments regarding claims 7 and column 3, lines 56-67, "relations").

As to claims 9, 23 and 36, <u>Budzinski</u>, as modified, teaches wherein the instructions are further executable to produce a file containing the integrated data produced by said integrating (see Examiner's comments regarding claim 5. A partition is a new file).

As to claim 11, <u>Budzinski</u> teaches a computer system including a computer program product according to claim 1, further comprising:

a processing unit coupled to said one or more storage media devices, said

processing unit being capable of executing said instructions (It is well-known in the art

that all computers have processors. See Abstract.); and

an execution command unit, whereby operation of said instructions and said

processing unit may be commanded or controlled (see column 16, lines 14-21 and

column 34, lines 50-53).

As to claims 12, 26 and 38, Budzinski, as modified, teaches wherein said

instructions are further executable to store an integrated database while performing said

integrating the produced data (see column 24, lines 5-33).

As to claims 13, 27 and 39, Budzinski, as modified, teaches wherein the

integrated data produced by the performance of said integrating the produced data

includes reference information to the original free text for construed data (See column 6,

lines 60-65. Reference information links word usage and syntax with the concept

structures).

As to claims 14 and 40, Budzinski, as modified, teaches wherein said instructions

are further executable to provide the functions of:

accepting a user indication to make a selection to drill down in a rendering of a

visual representation of the integrated data (see Khalfay et al., column 6, section ii,

"category view");

displaying the original free text referenced by the included reference information
of the data selected by the user (see column 3, lines 37-39).

As to claim 15, <u>Budzinski</u> teaches a computer program product located to one or
more storage media devices usable to perform integration of mixed format data, said
computer program product comprising instructions executable by a computer to perform
the functions of (see Abstract):

For the remaining steps of this claim applicant(s) is/are directed to the remarks
and discussions made in claim 1 above.

As to claim 25, <u>Budzinski</u> teaches a computer system including a computer
program product according to claim 15, further comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks
and discussions made in claim 11 above.

As to claim 28, <u>Budzinski</u> teaches a method for integrating mixed format data,
comprising the steps of (see Abstract):

For the remaining steps of this claim applicant(s) is/are directed to the remarks
and discussions made in claim 1 above.

As to claim 35, Budzinski, as modified, teaches wherein the new database is a

relational database (see column 3, lines 56-67, "related [...] in terms of [...] their

relationships").

7.   Claims 10, 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Budzinski in view of Khalfay et al. as applied to claims 9, 21 and 36 above, and

further in view of Examiner's Official Notice.

As to claims 10, 24 and 37, Budzinski, as modified, does not explicitly teach

wherein the instructions are further executable to produce a file having a format

selected from the group of XML, character separated values, spreadsheet formats and

file-based database structures.

However, Examiner takes Official Notice that the use of the elements of the

group to store database information is conventional and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to produce a file in one of several formats because

Examiner takes Official Notice that the use of the elements of the group to store

database information is conventional and well known (see XML Converter Standard

Edition, available online at http://rustemsoft.com/XMLConverter.htm).

Additional References

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

The following patents are cited to further show the state of art with respect to free

text databases and visualization in general:

Patent/Pub. No.	Issued to	Cited for teaching
US 5412756 A	Bauman et al.	Caseframes
US 5675819 A	Schuetze	Free text searching

Conclusion

9.   Any inquiry concerning this communication or earlier communications should be

directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571)

272-7163, and the examiner can normally be reached between 9 AM and 5 PM,

Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor,

Jeffrey Gaffin, can be reached at (571) 272-4146.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to Customer Service at (800) 786-9199.

maxr
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23 May 2006

Apu Mofiz
Primary Examiner
TC 2100